

MAR 23 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of )

HIGUCHI )

Art Unit 3727 )

Application Number: 10/624,552 )

Examiner )

Filed: July 23, 2003 )

Grosso, Harry A. )

For: CONTAINER CAPABLE OF KEEPING A  
LENGTHWISE CONTRACTED STATE AND  
CONTRACTION METHOD THEREOF )

Attorney Docket No. TESJ.0059 )

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**COVER LETTER**

Sir:

☒ The fee for submission of claims is calculated as shown below:

FOR	TOTAL WITH NEW CLAIMS ADDED	TOTAL CURRENTLY ON FILE	CLAIMS ALREADY PAID	RATE	CALCULATION
Total Claims	6	4	XXX (Over 20)	x \$50	0
Independent Claims	4	4	1 (Over 3)	x \$200	0
MULTIPLE DEPENDENT CLAIM(S)				+ \$360	0
REDUCTION FOR FILING BY SMALL ENTITY (note 37 C.F.R. §§ 1.9, 1.27, 1.28).				x 1/2	
				TOTAL	0.00

In addition, the below-identified communications are submitted in the above-captioned application or proceeding:

- ☒ Response to Office Action  
(with Claim Amendments)  
☐ Substitute Specification  
☐ Preliminary Amendment  
☐ Information Disclosure Statement

- ☐ Petition for Extension of Time  
☒ Terminal Disclaimer  
☐ Letter to Draftsperson w/ \_\_\_ sheets of  
replacement drawings  
☐ Other \_\_\_\_\_

::DEMAFCD005FBLJRM061471

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- ☐ Please charge my Deposit Account Number \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the fees for \_\_\_\_\_. A duplicate copy of this paper is enclosed.
- ☒ A check in the amount of \$65.00 to cover the terminal disclaimer fee is enclosed. Applicant qualifies for small entity status.
- ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees under 37 C.F.R. § 1.16 and 1.17, or credit any overpayment to Deposit Account Number 08-1480.

Respectfully submitted,

Stanley P. Fisher  
Registration Number 24,344

  
Juan Carlos A. Marquez  
Registration No. 34,072

REED SMITH LLP  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200  
March 15, 2006

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=== COVER PAGE ===

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PAGE 1/19 \* RCVD AT 3/23/2006 5:11:53 PM [Eastern Standard Time] \* SVR:USPTO-EFAX-2/19 \* DNIS:2738300 \* CSID:7032041352 \* DURATION (mm-ss):05-06

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MAR 23 2006

**TO** Ms. Ruth Marie Lloyd  
Company U.S. Patent and Trademark Office  
Fax (571) 273-8300  
Phone (571) 272-4366

**FROM** Juan Carlos A. Marquez  
Phone 703.641.4289  
Fax 703-204-1352  
Date March 23, 2006

Total Number of Pages Including Cover Page \_\_\_\_\_

Original will follow via: ☐ Regular Mail ☐ Overnight Delivery ☐ Messenger ☐ None

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**NOTES:** Dear Ms. Lloyd: Attached is the signed response filed 3/15/06 in U.S. patent application 10/624,552, together with a copy of the Notice of Non-Compliant Amendment and a copy of the stamped USPTO card. Should you have any questions or comments, please do not hesitate to contact us.

JCM

If you do not receive all of the pages, please call at 703.641.

Please Transmit Before: ☐ 9 ☐ 10 ☐ 11 a.m. ☐ 12 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 p.m.

Client Number: 999906 Matter Number: 0008 Attorney Number: \_\_\_\_\_  
Transmission Time: \_\_\_\_\_ a.m. \_\_\_\_\_ a.m.  
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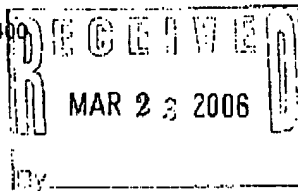
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,552	07/23/2003	Mitsuo Higuchi	TESJ.0059	7496

38327 7590 03/22/2006

REED SMITH LLP

3110 FAIRVIEW PARK DRIVE, SUITE 1400  
FALLS CHURCH, VA 22042



EXAMINER

ROSSO, HARRY A

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/624,552

Applicant(s)

Examiner

Art Unit

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 03/15/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

## THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims) of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other \_\_\_\_\_
- ☒ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/precognote/officeflyer.pdf>.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

- Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Dm Lloyd  
Legal Instruments Examiner (LIE)

521-272-4366  
Telephone No.

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REED SMITH, LLP - 3110 Fairview Park Drive, Suite 1400, Falls Church, VA 22042

PATENT APPLICATION  
(PENDING)

Serial No.: 10/624,552

Filed: July 23, 2003

Atty Docket No.: TESJ.0059

Applicant(s): Higuchi

DELIVER TO: ☐ MAIL ROOM ☐ ART UNIT: ☐

Special Instructions:

The PTO stamp hereon acknowledges receipt of:

☒ Amendment/Response☒ Check - \$ 65☐ Issue Fee Transmittal☐ Assignment w/PTO-1595☐ CPA Application under Rule 1.53☐ Extension of Time Pctn. month☒ Terminal Disclaimer☐ Sheets of Drawings - ☐ Formal ☐ Informal☐ Small Entity Statements ☐ Inv. ☐ Sm. Bus. ☐ Non-Inv. ☐ Non-profit☐ Missing Parts Response w/Decl☐ Petition to Commissioner with fee☐ Priority Document(s)☐ Preliminary Amendment☐ Information Discl. Stmt./refs.☐ Request For Priority☐ Letter to Draftsman☐ Notice of Appeal☐ Appeal Brief (Triplicate)☒ Claim Calculation Sheet☐ Verified English Translation☐ Revocation of Power of Attorney  
and Appointment of New Attorney☐ Request for Refund

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